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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,475	12/28/1998	KANG-DONG LEE	P55504	4538

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EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/221,475	LEE, KANG-DONG	
	Examiner	Art Unit	
	Raymond Phan	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 14-24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14, 16, 22-24, 26, 27, 30, 34, 35, 37, 38, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 3, 15, 17, 25, 28, 29, 31-33, 36 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on Feb 9, 2007.
2. This application has been examined. Claims 1-6, 14-24, 26-41 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 16, 18-19, 40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Reynolds et al. (US No. 5,784,549).

In regard to claim 16, Reynolds et al. disclose the method of repairing a computer comprising turn on power of the computer and letting the computer boot, load an operating system and load a user friendly graphical user interface (i.e. GUI) for the operating system using non-removable media inside the computer when possible (see col. 7, lines 25-46); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 7, lines 54-65);

repairing any conflicts by non-removable media inside the computer upon detection of the conflicts (see col. 7, lines 8-23); returning to the user friendly GUI for the operating system if all conflicts have been repaired (see col. 7, lines 8-23).

In regard to claim 18, Reynolds et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 39-60).

In regard to claim 19, Reynolds et al. disclose a register of the operating system (see col. 5, lines 39-60); and a state data of device driver (see col. 5, lines 39-65).

In regard to claim 40, Reynolds et al. disclose the conflicts not preventing the computer from booting (see col. 7, lines 8-46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 14, 38, 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers et al. (US No. 6,170,055) in view of McGill, III et al. (US No. 5,469,573).

In regard to claim 1, Myers et al. disclose a recording medium 19 for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see figure 1, col. 11, lines 1-9); a conflict repair control program (i.e. recovery application) having a code means (a) loaded in the main memory of the computer system for checking whether the

auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 13, lines 1-12). But Meyer et al. do not specifically disclose a program image consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs. However McGill, III et al. disclose the optical disk (i.e. CD-ROM disk) manufacturing system which can record the operating system programs and application programs (see col. 4, lines 24-53). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claim 2, McGill, III et al. disclose the recording medium is a CD-ROM (see col. 4, lines 24-52). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill, III et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claims 14, Meyer et al. disclose the method of fixing the boot failure in the computer system using the removable disks comprising the step of setting the removable disk as a master device, booting the computer system (see col. 11, lines 1-22); reinstalling an OS to the hard drive (see col. 11, lines 1-20); setting the removable disk as the master device and booting the computer again when new booting when the hard drive is set as the master fails (see col. 11, lines

1-20); backing up data files in the hard drive and formatting the hard drive (see col. 13, lines 1-26); installing an operating system recorded in the removable disk into the hard drive (see col. 11, lines 1-22); setting the hard drive as the master device and newly booting the computer (see col. 13, lines 27-35); the checking the conflict of the auxiliary memory and fixing a damaged system file (see col. 13, line 1-27; restoring the data file backed up (see col. 13, lines 1-27). But Meyer et al. do not specifically reinstalling application programs in the hard drive using the program image in the CD-ROM. However McGill, III et al. disclose reinstalling application programs in the hard drive using the program image in the CD-ROM (see col. 4, lines 24-52). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill, III et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claim 38, Meyers et al. disclose the checking and repairing occurring when the computer system is fully booting to a GUI of the desktop of OS (see col. 12, line 65 through col. 13, lines 26).

In regard to claim 41, Meyer et al. disclose the damaged file not preventing the computer from booting (see col. 13, lines 1-10).

7. Claims 22-23, 26-27, 30, 34-35, 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds et al. in view of Jeon et al. (US No. 6,122,734)

In regard to claim 22, Reynolds et al. disclose the claimed subject matter as discussed above rejection except the teaching of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard

drive is fails to boot and provide a GUI germane to the operating system to the user. However Jeon et al. disclose the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot (see col. 5, lines 9-55) and provide a GUI germane to the operating system to the user (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claim 23, Jeon et al. disclose CD-ROM backing up all files stored on the non-removable media (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claim 26, 37, Reynold et al. disclose the conflicts including peripheral hardware (see col. 5, lines 39-60).

In regard to claim 27, Reynolds et al. disclose the computer comprising a CPU 105 (see figure 1); an input/output device 120 enabling a user to interact with the computer (see figure 1), main memory 107 (see figure 1); an auxiliary memory 118 (i.e. hard drive) (see figure 1); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 7, lines 54-65). But Reynolds et al. do not specifically disclose a CD-ROM drive used to boot up the computer, load an operating system and provide GUI when the computer fails to achieve the GUI germane to the operating system. However Jeon et al. disclose

the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot (see col. 5, lines 9-55) and provide a GUI germane to the operating system to the user (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claims 30, 34, Reynolds et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 39-60).

In regard to claim 35, Reynolds et al. disclose a register of the operating system (see col. 5, lines 39-60); and a state data of device driver (see col. 5, lines 39-65).

8. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds et al. in view of Jeon et al. and further in view of Meyers et al.

In regard to claim 24, Reynolds et al. and Jeon et al. disclose the claimed subject matter as discussed above except the teaching of searching of conflict in the hard drive using the CD-ROM; repairing the conflict found in the hard drive using the CD-ROM and reinstalling the backed up data files to the hard drive. However Meyers disclose the step of searching of conflict in the hard drive using the CD-ROM (see col. 13, lines 1-26); repairing the conflict found in the hard drive using the CD-ROM (see col. 13, lines 1-26) and reinstalling the backed up data files to the hard drive (see col. 13, lines 18-26). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was

made to have combined the teachings of Meyers et al. into the teachings of Jeon et al. and Reynolds et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

Allowable Subject Matter

9. Claims 4-6 are allowed over the prior art of records.
10. Claims 3, 15, 17-21, 28-29, 31-33, 36, 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The reason for allowance of claims 3-6, 15, 17-21, 28-29, 31-33, 36 can be found in the previous Office Actions.

Response to Arguments

12. In view of remark filed on Feb 9, 2007, claims 1-2, 14, 16, 22-24, 26-30, 34-35, 37-38, 40-41 have been fully considered but they are not deemed to be persuasive.

In regard to claim 16, Applicant(s) argue that ...Reynolds et al. fail to teach or suggest checking for a conflict inside the computer by removable media inside the computer when the computer has said operating system fully loaded and said user friendly user interface is present... (page 4). The Examiner does not agree. Reynolds et al. disclose checking for a conflict inside the computer by the removable media inside the computer when the computer has the operating system fully loaded and the GUI is present (see figure 4).

In regard to claim 23, Applicant(s) argue that ...Jeon et al. fail to teach or suggest said CD-ROM..., partitions and formats the non-removable media inside

the computer after booting the computer and prior to installation of the operating system onto the computer.. (page 6). The Examiner does not agree. Jeon et al. teach the bootable CD-ROM disk is generally used to recover data stored on the damaged hard disk in the computer, that is, after the computer is booted with bootable CD-ROM, the user is permitted to partition/format the damaged hard disk and copy data files, such as application programs from CD-ROM to the hard disk (see col. 2, lines 14-43).

In regard to claim 27, Applicant(s) argue that ...Reynolds et al. fail to teach non-removable conflict control unit... (page 5). The Examiner does not agree. Reynolds et al. suggest the step of determination of confliction from the non-removable media (see col. 7, lines 8-21).

In regard to claim 1, Applicant(s) argue that ...McGill et al. et al. fail to teach a list of operating system and application programs... (page 8). The Examiner does not agree. McGill et al. teach the recovery disk containing a various type of operating systems (i.e. IBM OS/2 ver 1.2 or ver 1.3) and various of application programs (see col. 4, lines 53-67).

In regard to claim 14, Applicant(s) argue that ...Meyer et al. fail to teach (b.2) backing up data files stored in the auxiliary memory and formatting the auxiliary memory... (page 9). The Examiner does not agree. Meyer et al. teach backing up the data files stored in the auxiliary memory 118 (figure 2) and formatting the auxiliary memory (see col. 14, line 49 through col. 15, line 20). Furthermore, Meyer et al. disclose the step of backing up the data files stored in the non-removable storage media (see col. 4, lines 22-55).

Conclusion

13. Claims 1-2, 14, 16, 22-24, 26, 30, 34-35, 37-38, 40-41 are rejected. Claims 4-6 are allowed. Claims 3, 15, 17-21, 28-29, 31-33, 36, 39 are objected.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

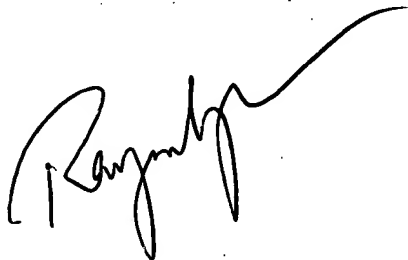
If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Khanh Dang can be reached on (571) 272-3626 or via e-mail addressed to khanh.dang@uspto.gov. The fax phone number for this Group is (571) 273-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

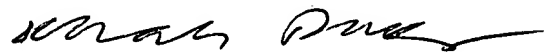
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.



Raymond Phan
May 9, 2007



Khanh Dang
Primary Examiner